

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2005-050344

05/19/2009

HONORABLE ALFRED M. FENZEL

CLERK OF THE COURT
D. Kenney
Deputy

IN RE THE MATTER OF
SEVEN ELI TOMEK

SEVEN ELI TOMEK
1102 W PEORIA AVE #4
PHOENIX AZ 85029

AND

JORDAN BYRON SLOAN

WILLIAM D BISHOP

TASC - PHOENIX

MINUTE ENTRY

Courtroom 102 NE RCC

2:06 p.m. This is the time set for Status Conference/Return Hearing. Petitioner is present on her own behalf. Respondent is present with counsel, William Bishop.

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

Seven Eli Tomek and Jordan Byron Sloan are sworn and testify.

After discussion, both parties advise the Court that they have reached an agreement as to Father's parenting time schedule, which is more fully set forth on the record and summarized as follows:

- All of Father's parenting time with the child shall be unsupervised going forward.

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- Commencing May 21, 2009, Father's parenting time shall consist of two, six hour visits with the child every Thursday and Sunday from 11:00 a.m. until 5:00 p.m.
- Commencing August 1, 2009, Father shall have one, six hour visit every week on Sunday from 11:00 a.m. until 5:00 p.m. and one overnight visit with the child every Monday at 6:00 p.m. until Tuesday at 6:00 p.m.
- On October 1, 2009, the parties meet with Dr. Carol Mellen and will discuss extending Father's parenting time further.

THE COURT FINDS the settlement reached between the parties and as set forth on the record is binding upon the parties. The Court finds the agreement fair and equitable.

THE COURT FURTHER FINDS that the parties have knowingly, voluntarily and intelligently entered into the agreement. The parties have done so without duress or coercion, and they are fully informed as to the contents of this agreement. The agreement is in the best interest of the children.

Accordingly,

IT IS ORDERED approving the parties' agreement as a binding agreement pursuant to Rule 69, Arizona Rules of Family Law Procedure.

IT IS FURTHER ORDERED that the assessment with Dr. Mellen shall not exceed four hours and the parties shall provide Dr. Mellen with any mental health records prior to their appointment. The parties shall share equally the cost associated with Dr. Mellen's fees.

IT IS FURTHER ORDERED that Father shall appear at an appropriate TASC facility within sixty (60) days from this date for a Hair Follicle Test. Thereafter, Father shall continue Hair Follicle Testing every sixty (60) days until further order of the Court. The Hair Follicle Test shall be for Screen A (full spectrum of 9 drugs). The result of the Hair Follicle Test shall be reported directly to counsel for both parties, or directly to the parties at the addresses provided by the parties to the testing agency, if unrepresented by counsel. The testing agency shall also provide this Court with a copy of the test result.

IT IS FURTHER ORDERED that Father shall be solely responsible for the cost of said Hair Follicle Tests.

IT IS FURTHER ORDERED that Mother shall continue to be flexible when Father is in town with regard to his parenting time.

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IT IS FURTHER ORDERED that Father may text message Mother for the sole purpose of communicating with regard to the child and his parenting time.

IT IS FURTHER ORDERED setting Evidentiary Hearing on **October 15, 2009 at 9:00 a.m.** (time allotted: 90 minutes), in this Division.

Honorable Alfred M. Fenzel
Maricopa County Superior Court
Northeast Regional Court Center
18380 N. 40th St
Courtroom 102
Phoenix, AZ 85032

The parties and counsel are directed to meet and confer regarding the outstanding issues in an attempt to settle this matter.

Pursuant to Rule 16(h), Arizona Rules of Civil Procedure, each party will be allowed 1/2 of the available time to present all direct, cross, redirect examination and any argument.

JOINT PRE-HEARING STATEMENT:

IT IS FURTHER ORDERED that the parties shall file and provide this Division with a copy of a Joint Pre-hearing Statement pursuant to Rule 6.8, Local Rules of Practice--Maricopa County (Family Court Cases), no later than 5 days prior to the hearing.

IT IS FURTHER ORDERED that the Joint Pre-hearing Statement shall include the following attachments:

1. A current Affidavit of Financial Circumstances completed by each party together with a written statement as to whether the parties stipulate that the affidavits of both parties may be considered as testimony by the court as if marked as exhibits and entered into evidence pursuant to *In Re Marriage of Kells*, 182 Ariz. 480, 897 P.2d 1366 (App. 1995).
2. A current Parent's Worksheet for Child Support Amount completed by each party pursuant to the Statewide Child Support Guidelines.
3. If there are disputed custody, access or visitation issues, a specific proposal for custody and visitation by each party.

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IT IS FURTHER ORDERED that the failure of counsel or any party to appear at the time of hearing, or to timely present the Joint Pre-hearing Statement in proper form, including each and every attachment required, shall, in the absence of good cause shown, result in the imposition of any and all available sanctions pursuant to Rule 16(f), Arizona Rules of Civil Procedure and Local Rules 6.2(e) and 6.9(b), including proceeding to hear this matter by default based upon the evidence presented by the appearing party.

EXHIBITS:

IT IS ORDERED that any exhibits to be used at the hearing shall be delivered to the Clerk of this Division **five (5) Court business days prior to the hearing**. The parties shall also provide the adverse party and the Court itself with a separate copy of all exhibits. Please deliver the exhibits to a division staff member to ensure that they are received by the division clerk. Please do not fax exhibits. Please do not attach the exhibits to any other document or pleading.

IT IS FURTHER ORDERED that the parties shall indicate in the Joint Pre-hearing Statement which exhibits they have agreed will be admissible at hearing as well as any specific objections that will be made to any exhibit if offered at hearing which is not agreed to be admitted. Reserving all objections to the time of hearing will not be permitted. At the time of hearing all exhibits that the parties have agreed will be admitted and all exhibits for which no specific objection is stated in the Joint Pre-hearing Statement shall be summarily admitted.

SETTLEMENT:

Counsel and the parties are reminded of their obligation to give prompt notice of any settlement to the Court as required by Rule 5.1(c), Arizona Rules of Civil Procedure.

2:52 p.m. Matter concludes.

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter>.